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## TELEFAX TRANSMITTAL COVER SHEET

Date: 15 July 1998Number of Pages: 6  
(Including Cover Sheet)To: Unassigned Examiner Company/Department: GAU 1648 Fax Number: 703-305-3014From: Mary Gormley Company/Department: Patent Department Fax Number: (301) 948-9751  
Rockville, MarylandSubject/Reference: USSN 09/059,853

Remarks:

**CONFIDENTIAL***Please find attached:*

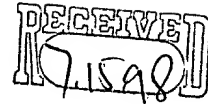
- ① IDS (3 pages)
- ② 1449 (2 pages)

*It is believed that Ex. Lynette Smith  
will be handling this application.*

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07/15/98 WED 13:45 [TX/RX NO 9041] 001

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

BY: Mary E. Gormley  
Date: 7/15/98

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MEYERS ET AL.

Serial No.: 09/059,853

Group Art Unit: 1648

Filed: April 14, 1998

Examiner: to be assigned

For: HOG CHOLERA VIRUS VACCINE AND DIAGNOSTIC

**INFORMATION DISCLOSURE STATEMENT**  
**PURSUANT TO 37 CFR 1.97(b)**

Assistant Commissioner of Patents  
Washington, D.C. 20231

July 15, 1998

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-1449. The documents are not provided with this paper, because they can be obtained from either of the parent applications, now Serial Nos. 08/873,759 and 08/876,991. If copies are needed for the Examiner to effect consideration of this Statement, she may request them by telephoning the undersigned.

No fee or certification is required in connection with this Information Disclosure Statement, since it is being submitted prior to the last of (1) issuance of a first official action on the merits and (2) expiration of the three month period following

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filing of the above-captioned application.

Applicants have the following comments concerning some of the cited references.

The cited documents AR - AY were filed by an opponent against the granted European cognate in an Opposition filed March 4, 1997, a copy of which is also of record in the above-mentioned present applications.

The subject matter of the documents is as follows.

Reference AS (referred to as B1 in the Opposition) was cited in the parent applications.

References AT and AU (referred to as B2 and B3 in the Opposition) are two documents disclosing the molecular cloning, nucleotide and amino acid sequences, and the organization of the genome of a virus related to HCV, i.e. the bovine viral diarrhea virus (BVDV).

Reference AV (referred to as B4 in the Opposition) concerns an oral presentation, the sheets and accompanying Declarations which concern the information presented in December 1988. Applicants submit that this disclosure does not provide an enabling disclosure of any HCV nucleotide or amino acid sequence.

Reference AX (referred to as B5 in the Opposition) is a thesis that was publicly available on March 14, 1989.

Reference AR (referred to as B6 in the Opposition) is a review article that provides no technical information concerning the claimed HCV gene, and was cited in the parent applications.

Reference AY (referred to as B7 in the Opposition) discloses the use of a crude extract of HCV infected cells as an immunogenic

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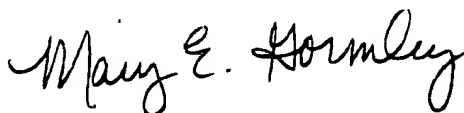
composition. No technical information is disclosed at all with respect to the claimed DNA sequence.

References AP and A2 were cited by Applicants during the oral proceedings of an Opposition filed against the European equivalent of the grandparent of this application, which is directed to nucleic acids of the 55 kD protein of HCV.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. It is respectfully requested that the information be considered and made of record in this application.

The Patent Office is hereby authorized to charge any fee (or credit any overpayment) associated with this Statement to our Deposit Account No. 02-2334.

Respectfully submitted,



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INFORMATION DISCLOSURE CITATION  PTO-1449  Page 1 of 2	Atty Docket No. I/6412-554 US/D2	Serial No. 09/059,853
	Applicant MEYERS ET AL.	
	Filing Date April 14, 1998	Group to be assigned

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA AB AC AD AE AF AG AH AI						

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Translation
					Yes/No/Partial
Np	AJ	EPA 0236 977	09/16/87	EPA	
	AK	WO91/00352	01/10/91	PCT	
	AL				
	AM				
	AN				

## OTHER DOCUMENTS

Np ↓ ↓	AO	A.L. Fernelius et al., Can. J. Comp. Med., 37:96-102, January 1973
	AP	R. Rümenapf et al., Virology, 171:18-27 (1989)
	AQ	G. Meyers et al., Virology, 171:555-567 (1989)
	AR	M.C. Collett et al., J. Gen. Virol. 70:253-266 (1989)

Examiner	X. Smith	Date Considered	8/27/98
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INFORMATION DISCLOSURE CITATION  PTO-1449  Page 2 of 2	Atty Docket No. I/6412-554 US/D2	Serial No. 09/059,853
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	AA AB						

## FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Translation
	AJ			Yes/No/Partial

## OTHER DOCUMENTS

MP	AS	R.J.M. Moormann et al., <i>Virus Research</i> , 11:281-291 (1988)
	AT	Collett et al., <i>Virology</i> , 165:191-199 (1988)
	AU	Collett et al., <i>Virology</i> , 165:200-208 (1988)
	AV	Declaration of R.J.M. Moorman and enclosures 1-4, re:oral presentation on December 8, 1988
	AX	Thesis of G. Wensvoort, entitled "Epitopes on Structural Proteins of Hog Cholera (Swine Fever) Virus, 3/8/89, publicly available 3/14/89
	AY	Dalsgaard et al., <i>Acta Vet. Scand.</i> , 17:465-474 (1976)
	AZ	Renard et al., <i>DNA</i> , 4:429-438 (1985)
	BA	Geysen et al., <i>Journal of Immunological Methods</i> , 102:259-274 (1987)

Examiner	L. Smith	Date Considered	8/27/98
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